

BOARD OF SELECTMEN
Public Forum – August 6, 2013

I. Public Forum

Chairman Alex Vispoli opened the Public Forum at 7:06 P.M. in the Hall at Memorial Hall Library. Present: Chairman Vispoli and Selectmen Mary Lyman-Y, Paul Salafia-Y, Dan Kowalski-Y and Brian Major-Y. Also present: Town Manager Buzz Stapczynski, Assistant Town Manager Steve Bucuzzo and Town Counsel Thomas Urbelis. The Public Forum was duly posted and cable-cast live.

Chairman Vispoli introduced John Ziemba and Gordon Carr from the Massachusetts Gaming Commission who were invited to discuss the overall licensing process and the process for surrounding community designation status in response to Penn National's application to construct a slot parlor on the Andover/Tewksbury line off of Rte 133 in the Ames Pond Business Park. Mr. Vispoli explained that the Board of Selectmen are taking this proposal very seriously and have many concerns about the adverse affects this will have on the Town of Andover especially traffic, public safety and quality of life for residents. The timeframe for conducting studies, addressing the issues and providing action plans is abbreviated. The Town of Tewksbury will vote on August 20th for a zoning change and should that pass, they will hold a Special Town Meeting on Saturday, September 21st for a referendum vote on the proposed slot parlor.

Mr. Ziemba of the Massachusetts Gaming Commission said Tewksbury is one of several communities applying for the one slot parlor license. He provided an overview of the Gaming Act and said the MCA website www.massgaming.com is extensive and transparent with all documents available on-line, meetings televised and a competitive bidding process. He reviewed the principles of the Gaming Act and explained the surrounding community's rights.

The licensing process consists of two phases: The first includes an extensive background check, applications are filed, an investigation is done by the Commission, there is a public hearing by the host community and then the Commission makes their decision. The Legislature requires an agreement between the host and the designated surrounding communities.

Applicants go through an evaluation criteria consisting of mitigation, building and site design, economic development, finance, general overview, and a degree of community support is an important part of the decision. The agreement between the host and surrounding communities is left to the towns to define with the final decision resting on the Commission based on actual impacts. If the host and surrounding communities cannot reach an agreement within 30 days then they go to arbitration. Impacts include shared borders, impact on traffic during the construction period and operation period impacts. Detailed studies on impacts are required by the host community with \$50K of the \$400K application fee given to a surrounding community disbursement program which provides additional funds if needed. The host community pays for the studies and they encourage the host community to work together to reduce impacts.

The Commission can order the applicant to provide additional assistance to surrounding communities. The Community Mitigation Fund was established by the Legislature to be separate and distinct to address impacts after a gaming facility is operational for items not anticipated.

Questions from the Board of Selectmen included:

What happens if a community is designated as a surrounding community but is not interested in any type of agreement or mitigation, does it affect the application submitted?

The application is not considered complete if the surrounding community agreement is not included. It would force the thirty-day arbitration period and they have provisions in the regulations to guide communities. The Commission would urge the surrounding community and host community to work on an agreement.

State Senator Susan Tucker spoke passionately about the Gaming Commission and the Massachusetts Legislature who voted in casino gambling. She said she does not understand how encouraging citizens to dump their money into slots machines is considered economic development. State Government has no business being in a business that harms constituents. Members of the Massachusetts Legislature are working to get the law repealed.

She said there is a group in Tewksbury – No Slots Tewksbury – who needs volunteers and support to defeat this proposal. Penn National has opened an office on Main Street in Tewksbury. She stressed the zoning change vote is the key vote.

Questions from audience:

What happens if the slot parlor succeeds and after the two year agreement can they increase the operation to become a full-blown casino?

The Massachusetts Gaming Commission does not allow that – the State is limited to the number of full casinos allowed.

Hillary Gilmartin, Jordyn Lane, said the Host Agreement stated that within 2 years of the agreement the casino can apply for expansion to become a full-fledged casino.

Assuming Andover is not interested in being a surrounding community, what avenues are available to stop the slot parlor from being built?

Andover can weigh in with their concerns and objections to the Commission which is part of the evaluation public hearing process. Letters and communications can also be sent to the Commission.

Mary Carbone, 3 Cyr Circle, said she attended the Tewksbury Board of Selectmen Meeting but

they were going into Executive Session so she didn't have an opportunity to express her opinion. The project is located more in Andover then Tewksbury.

Mary Beth Nason of High Street asked who the arbitrators are?

Each party selects their own arbitrator and both choose a third.

Town Moderator Sheila Doherty said it is critically important that Sue Tucker speak at the Tewksbury Town Meeting.

Susan Stott, 30 Pasho Street, said she finds it interesting that Tewksbury refused the I-93 interchange because they didn't want extra traffic on South Street.

Several residents expressed their concerns of the close proximity of the slot parlor to Andover, the harmful effects of increased traffic on Rte 133, Rte 93 and Rte 495, increased public safety concerns and the many problems that this type of entertainment will bring to the area.

Selectman Lyman suggested everyone contact "No Slots Tewksbury" to help them in their battle to defeat this proposal. They have a site on Facebook.

II. Adjournment

On a motion by Selectman Major, seconded by Selectman Salafia, the Board motioned to adjourn at 9:06 P.M. Roll call: A. Vispoli-Y, B. Major-Y, D. Kowalski-Y, M. Lyman-Y and P. Salafia-Y.

Respectfully submitted,

Dee DeLorenzo
Recording Secretary